

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 876

Short Title: Local LEO/Serve Subpoena by Phone. (Public)

Sponsors: Representative Turner (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary Subcommittee C.

April 15, 2013

A BILL TO BE ENTITLED
AN ACT TO CLARIFY THAT ANY EMPLOYEE OF A LOCAL LAW ENFORCEMENT
AGENCY MAY SERVE A SUBPOENA FOR THE ATTENDANCE OF A WITNESS BY
TELEPHONE COMMUNICATION.

The General Assembly of North Carolina enacts:

SECTION 1. Rule 45(b) of Chapter 1A of the General Statutes reads as rewritten:

"(b) Service. –

(1) Manner. – Any subpoena may be served by the sheriff, by the sheriff's deputy, by a coroner, or by any person who is not a party and is not less than 18 years of age. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to that person or by registered or certified mail, return receipt requested. Service of a subpoena for the attendance of a witness only may also be made by telephone communication with the person named therein only by a sheriff, the sheriff's designee who is not less than 18 years of age and is not a party, ~~or a coroner.~~ a coroner, or any employee of a local law enforcement agency.

(2) Service of copy. – A copy of the subpoena served under subdivision (b)(1) of this subsection shall also be served upon each party in the manner prescribed by Rule 5(b).

(3) Subdivision (b)(2) of this subsection does not apply to subpoenas issued under G.S. 15A-801 or G.S. 15A-802."

SECTION 2. The Administrative Office of the Courts shall update the subpoena form to indicate that any employee of a local law enforcement agency may serve a subpoena for the attendance of a witness by telephone communication.

SECTION 3. This act is effective when it becomes law.

